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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,469	02/12/2001	Amiad Solomon	P-2967-US	6390
7590 Eitan Law Group C/O LandonIP, Inc. Suite 450 1700 Diagonal Road Alexandria, VA 22314		03/02/2007	EXAMINER PATEL, JAGDISH	
			ART UNIT 3693	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/02/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/780,469

Applicant(s)

SOLOMON, AMIAD

Examiner

JAGDISH PATEL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed 11/27/06.

#### ***Response to Amendment***

2. Claims 1-3 have been cancelled. Claim 4 has been amended. Claims 4-6 remain pending.

#### ***Response to Arguments***

3. In consideration of the applicant's arguments, rejections of claims under 35 USC 101 and 112 r have been withdrawn. However, in view of the amendment which resolves 35 USC 112 (first) deficiency (removing limitation "without prior interaction of either a buyer or a seller") a new ground of rejection under 35 USC 102 has been issued.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Art Unit: 3693

4. Claim 4-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Shear et al. (US Pat. 6112181) (hereafter Shear).

As per claim 4 Shear teaches a method of facilitating a transaction using a computer connected to a network connected a network to match buyers and sellers, the method comprises a computer (..the inventions provide electronic computer based systems, methods ..for matching ..selecting digital information describing people and/or things, "Fields of the Inventions", col. 1). The method comprises:

a computer ("electronic matchmaker" described at col. 9 L 28+) which searches sites for want ads from buyers, said want ads referring to a wanted good or wanted service (computer sites of consumers seeking goods, see col. 10 L 16-38 in the example cited a Jeep sports utility model, the matchmaker searches a plurality of consumers since it matches "people or organizations with their best matches" .. "composite of preference profiles of one or more specific users, one or more user groups, and/or organizations--where the contribution of any given specific profile to the composite profile may be weighted according to the specific match circumstances such as the type and/or purpose of a given match activity", see col. 9 L 28+)

said computer (the "electronic matchmaker" described at col. 9 L 28+) which searches sites for sell ads from sellers, said sell ads referring to an advertised good or advertised service (computer sites of consumers seeking goods, see col. 10 L 16-38 in the example cited a Jeep sports utility model, the matchmaker searches a plurality sites of people or organizations who have indicated their Jeep sports utility model for sale via the "preference profile", see col. 9 L 28+)

having said computer match at least one want ad with at least one sell ad based on programmed rules (Electronic matchmaker of Shear is a centralized computer with extensive match making capabilities based on the profiles gathered from respective persons or organizations who are in need of good or service and those who provide the good and service (see for example, Shear at col. 12 L 1+ which shows exemplary want ad site represented by Jill in the form of Jill's information maintained in at her computer site. As described herein the matchmaker matches up with other sites (sites selling goods desired by Jill) as determined by the electronic matchmaker) the matching process of Shear is performed based on programmed rules (see col. 11 L 15 + See "The Present Inventions Can Make Use of Rights Management Information").

Notifying the associated buyer who posted said want ad that at least one sell ad has been matched to said want ad (see at least col. 10 L 16+ "In this non-limiting example, the electronic matchmaker is communicating to the consumer via the Internet and World Wide Web. ...)

Claims 5 and 6: notifying the associated seller for each matched ad that said notified buyer has requested a good or service similar to the advertised

Art Unit: 3693

good advertised in said matched sell ad; and inviting said notified seller to access said computer in order to make an offer to said notified buyer. (Refer to capabilities of Shear invention as described at col. 15 L 15+ - col. 16 in particular col. 16 L 14-19. the claimed features are inherent to the buyers and sellers perform cross matching goods for consideration, including negotiated bartering and other kind of matching).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

Art Unit: 3693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

2/20/07